

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #  
DATE FILED: 9-2-08

IN RE:  
FOSAMAX PRODUCTS LIABILITY  
LITIGATION  
(MDL No. 1789)

MASTER FILE  
1:06-MD-01789-JFK-JCF

This Document Relates To  
MARGIE ONDREAS, Plaintiff,  
vs.  
MERCK & CO., INC.,  
a New Jersey corporation, Defendant.

CASE NO.: 1:07-cv-6859-JFK

**MOTION FOR LEAVE TO AMEND COMPLAINT**

COMES NOW the Plaintiff, MARGIE ONDREAS, by and through her undersigned attorneys, and files this Motion to Amend Plaintiff's Complaint as follows:

1. Plaintiff wishes to add a consortium claim for her husband, JOHN ONDREAS, JR. to whom she has been married since 1950.

2. Counsel for plaintiff was unaware that plaintiff was married at the time of the filing of the original complaint and just recently learned of same.

5. Defense counsel has no objection to the granting of this motion. ✓

6. Attached to this motion is the proposed Amended Complaint.

WHEREFORE Plaintiff, MARGIE ONDREAS, respectfully requests that this Court enter an Order amending Plaintiff's Complaint as set forth above and to deem the attached proposed amended complaint filed as of the date of said order.

I HEREBY CERTIFY that on October 10, 2007, I electronically filed the foregoing Motion for Leave to Amend Complaint and Amended Complaint with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to counsel of record listed below:

Attorneys for Defendant:

Norman C. Kleinberg  
Theodore V.H. Mayer  
William J. Beausoleil  
HUGHES HUBBARD & REED LLP  
One Battery Park Plaza  
New York, NY 10004-1482  
212-837-6000

/s/ Jacquelyn S. Holden

JACQUELYN S. HOLDEN (JH7473)  
KRUPNICK, CAMPBELL, MALONE,  
BUSER, SLAMA, HANCOCK,  
LIBERMAN & McKEE, P.A.  
Attorneys for Plaintiffs  
700 S.E. 3 Avenue, Suite 100  
Fort Lauderdale, FL 33316  
(954) 763-8181  
FAX (954) 763-8292  
jholden@krupnicklaw.com

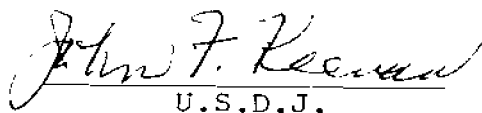
and

DAVID ENNIS  
Florida Bar No. 600600  
ENNIS & ENNIS  
Attorneys for Plaintiffs  
110 East Broward Blvd., Suite 1700  
Fort Lauderdale, FL 33301

The motion to amend is granted.  
The proposed complaint that is  
attached to the motion (dckt. no.  
6) is deemed filed as of October 10,  
2007.

SO ORDERED.

Dated: New York, N.Y.  
September 2, 2008

  
U.S.D.J.